IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 29963 of 2006(P)

PETITIONERS:
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1. GURUSWAMY RAMASWAMY,
HOUSE NO.638, SURYANELLI P.O.,
SINGHAKANDOM.

2. MADATH PARAMAN, HOUSE NO.1 589,
SURYANELLI.

3. RAMESH CHELLAYYAN,
SINGHKANDOM, SURYANELLI P.O.

4. RAMESH MARIADOS,
SINGHKANDOM, SURYANELLI P.O.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
IDUKKI.

2. THE DIVISIONAL FOREST OFFICER,
MUNNAR.

3. M/S.HINDUSTAN NEWSPRINTS LIMITED,
VELLUR,
REP. BY ITS EXECUTIVE DIRECTOR.

R3 BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
GOVERNMENT PLEADER SMT. SUSEELA R. BHAT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.29963 of 2006

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Dated this the 5th day of February,2007.

JUDGMENT

Petitioners are two among those whose name appeared in Ext.P2 judgment. The writ petitioners claim that the forest authorities are interfering with their right to possess revenue land under the guise of meddling with lands allotted to the third respondent, Hindustan Newsprint Limited. It is also the case of the petitioners that their applications for assignment of revenue lands in their possession are gaining the attention of the competent authorities in the Revenue Department.

2. At the stage of admission, an order was issued on 21-11-2006, following which the Divisional Forest Officer, Munnar has placed a report, including various materials. The materials so placed obviously show that there is a scramble for possession over the lands in question, be it revenue land or forest land. Respondents 1 and 2 take the stand that the land in

question is forest land, while the petitioners take the stand that they are revenue puramboke, which are not forest lands and that they are in possession of the lands claimed by them for the last couple of decades.

3. Right to property, including the right to assessment, if any, in accordance with law, cannot be claimed merely on the basis of survey numbers without having the identity of the property considered by the competent authorities, particularly when, these days, there is an apparent attempt to deplete forest lands as also Government lands which form part of the wealth of the nation.

4. Having regard to the contentions raised and the contents of report on record, it is directed that the Principal Secretary in the Revenue Department and the Principal Chief Conservator of Forests would jointly explore ways and means of resolving the disputes raised by the petitioners with the junction of the two Departments. They may even identify a proper officer before whom the revenue records and the forest

records could be placed for consideration. It is directed that a final decision shall be taken after affording the petitioners an opportunity of hearing to place the materials on record. Needless to say, the officials will ensure that due care and concern is bestowed to the issue in hand. A final decision shall be taken as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.